

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

10/31/2005 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00089DAE
CASE NAME: USA v. Rocky Demello
ATTYS FOR PLA: Ken Sorenson
ATTYS FOR DEFT: Victor Bakke
Paul Cunney
USPO: Anne Shimokawa

JUDGE: David Alan Ezra

REPORTER: Steve Platt

DATE: 10/31/2005

TIME: 3:00pm-3:45pm

COURT ACTION: Sentencing to Count 1 of the Indictment as to Defendant Rocky Demello. Government's Motion for downward departure. Defendant's Motion for downward departure.

Defendant Rocky Demello present in custody.

The Memorandum Plea Agreement is accepted.

Safety valve applies.

Government's Motion for downward departure-GRANTED.

Defendant's Motion for downward departure-DENIED.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant Rocky Demello.

SENTENCE:

Imprisonment: 46 MONTHS

Supervised Release: 5 YEARS

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any crimes federal, state, or local.
3. Defendant shall not possess illegal controlled substances.
4. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.
5. Defendant shall cooperate in the collection of DNA as directed by the probation officer.
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. Defendant shall execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$100.00.

JUDICIAL RECOMMENDATIONS: 500 hour drug treatment program. Mental health counseling. Educational and Vocational training. Alcohol treatment.

Defendant advised of his right to appeal.

Defendant remanded to the custody of U.S. Marshals.

Submitted by: Theresa Lam, Courtroom Manager